

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
KETTY PARKINSON,

Plaintiff,

-against-

PEDRO ORTIZ-MERCADO and JB HUNT
TRANSPORT, INC.,

Defendants.
-----X

Docket No.: 1:22-cv-0

NOTICE OF REMOVAL

Removed from the
Supreme Court, Queens
County Index No.: 711159/2021

The defendants, **PEDRO ORTIZ-MERCADO and J.B. HUNT TRANSPORT, INC. s/h/a JB HUNT TRANSPORT, INC.**, remove this action from the Supreme Court, Queens County to the United States District Court for the Eastern District of New York.

1. The plaintiff commenced this action against **PEDRO ORTIZ-MERCADO and J.B. HUNT TRANSPORT, INC. s/h/a JB HUNT TRANSPORT, INC.** in the Supreme Court of the State of New York, Queens County. Defendant J.B. Hunt Transport, Inc. was served on or about August 9, 2021, and the answer was interposed on September 10, 2021. A copy of the complaint and answer are attached as **Exhibit "A"**. Only paper discovery has taken place thus far, and there have been no depositions or expert discovery.

2. The plaintiff, Ketty Parkinson, is a citizen of the State of New York and was a citizen of the State of New York when this action was started in state court. Ketty Parkinson resides in Maspeth, New York 11378 and is a resident of the County of Queens, New York.

3. Defendant Pedro Ortiz-Mercado resides and has been residing at, Greenfield, Massachusetts 01301, in the County of Franklin when this action was started in state court.

4. J.B. Hunt Transport, Inc. is (and was) a corporation incorporated in the State of Georgia with its principal place in business in Lowell, Arkansas.

5. Defendants made a demand for Ad Damnum which was served upon plaintiff on April 26, 2022. (**Exhibit “C”**).

6. This court has subject-matter jurisdiction over this action under section 1332(a)(1) of the Judicial Code, 28 U.S.C. § 1332(a)(1), because this action—both now and when it was started—is between citizens of different states and the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs. The first pleading where there was an indication that the case would be worth more than \$75,000 was received on June 16, 2022 in a Supplemental Bill of Particulars (**Exhibit “B”**) indicating that the plaintiff had surgery on May 18, 2022 and consisted of cervical discectomy and fusion of C4-C6 with left iliac crest bone graft and insertion of cervical interbody and plate fixation. Cases with these allegations of cervical fusions and cervical interbody plate fixation have verdict values that are well over \$75,000. Defendants have yet to receive a formal response to the Demand for Ad Damnum.

7. The defendants may, under section 1441(a) of the Judicial Code, 28 U.S.C. § 1441(a), remove this action to this court because this is a civil action of which the District Courts of the United States have original jurisdiction that is brought in a state court.

8. All defendants join in the removal of this action to this Court.

Dated: New York, New York
July 15, 2022

RAWLE & HENDERSON LLP
Attorneys for Defendants
PEDRO ORTIZ-MERCADO and J.B.
HUNT TRANSPORT, INC. s/h/a JB
HUNT TRANSPORT, INC.



By: _____

Anthony D. Luis, Esq.
14 Wall Street – 27th Floor
New York, New York 10005-2101
Telephone No.: 1 (212) 323-7070
Fax No.: 1 (212) 323-7099

Our File No.: 805348

TO: Michael F. Villeck, Esq.
SANDERS, SANDERS, BLOCK, WOYCIK,
VIENER & GROSSMAN, P.C.
100 Garden City Plaza, Suite 500
Garden City, New York 11530
ATTORNEY FOR PLAINTIFF KETTY PARKINSON
E-Mail: mvilleck@thesandersfirm.com
Telephone No.: 1 (516) 741-5252
Your File No.: SSBW-AA-PEDES-66625